# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	☑ Discourt.	☐ U.S.
Rebecca Jacobson		Squad #6	201607750	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct	: 18 Mo. SOL	EO SOL
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Saturday, 09/10/2016 4:00 PM		Behind § 87(2)(b)	I	45	3/10/2018	3/10/2018
Date/Time CV Reported		CV Reported At:	How CV Reported:		me Received at CCF	RB
Sat, 09/10/2016 4:33 PM		CCRB	Call Processing System	Sat, 09/	110/2016 4:33 PM	
Complainant/Victim	Type	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Derrick Kreckmann	26021	954032	PSA 8			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Andrew Lombardi	22123	954076	PSA 8			
Officer(s)	Allegatio	on		In	vestigator Recon	nmendation
A.POM Derrick Kreckmann		olice Officer Derrick Kr hinst § 87(2)(b)	eckmann used physi	cal		
B.POM Derrick Kreckmann	Discourte	esy: Police Officer Derr	rick Kreckmann spok	te		
C.POM Derrick Kreckmann	Abuse: P	olice Officer Derrick K	reckmann frisked § 87	7(2)(b)		
D.POM Derrick Kreckmann		olice Officer Derrick K bag.	reckmann searched§	87(2)(b)		
E.POM Derrick Kreckmann		olice Officer Derrick K property.	reckmann damaged	§ 87(2)(b)		
F.POM Derrick Kreckmann		esy: Police Officer Derr cously to § 87(2)(b)	rick Kreckmann spok	te		
G.POM Derrick Kreckmann		esy: Police Officer Derr	rick Kreckmann spok	te		
H.POM Derrick Kreckmann		esy: Police Officer Derr cously to § 87(2)(b)	rick Kreckmann spok	te		
I.POM Derrick Kreckmann	Off. Lang to § 87(2)(b)	guage: Derrick Kreckma	ann made offensive i	remarks		
J.POM Derrick Kreckmann	Abuse: P	Police Officer Derrick K	reckmann threatened	l to		
K.POM Derrick Kreckmann	Force: Po	olice Officer Derrick Kr ninst <sup>§ 87(2)(b)</sup>	eckmann used physi	cal		

### Case Summary

filed this complaint with the CCRB via the call

On September 10, 2016, § 87(2)(b)

processing system.

On September 10, 2016, at approximately 4:00 p.m., behind § 87(2)(b) in the Bronx. was stopped by PO Derrick Kreckmann of Public Service Area 8, after PO Kreckmann observed him littering. PO Kreckmann pushed \$87(2)(b) against a gate and asked him, "Why are you being an asshole?" (Allegations A and B). PO Kreckmann frisked and then opened a shopping bag § 87(2)(6) had with him, removed a Starburst candy, unwrapped it, and ate it (Allegations C, D and E). PO Kreckmann then told §87(2)(b) to leave. who lives on the third floor of § 87(2)(b) alled up to his mother, who came outside. §87(2)(b) and §87(2)(b) approached PO Kreckmann and § 87(2)(b) asked him what the problem was. PO Kreckmann responded to her, "Your son is being an asshole." (Allegation F). \$87(2)(b) s brother, \$87(2)(b) also approached PO Kreckmann while \$87(2)(6) and her daughter, § 87(2)(b) talking with him. PO Kreckmann asked both § 87(2)(b) "Who the fuck and § 87(2)(b) are you?" PO Kreckmann used various discourtesies while speaking with them, including saying, "That's why you all live in a shithole," and referring to \$57(2)(b) as both a "hood rat" and a "bitch." PO Kreckmann also told \$37(2)(b) that he would lock her up (Allegation G, H, and **I**). After about a minute of arguing, PO Kreckmann's partner, PO Andrew Lombardi, walked slightly away from the group with § 87(2)(b) attempting to talk to him about the situation. began to walk away from PO Kreckmann. PO Kreckmann called and § 87(2)(b) out to § 87(2)(b) "Good luck with your mouth kid, try to keep the dicks out of it." (within ran back over to PO Kreckmann and began Allegation H) § 87(2)(b) and § 87(2)(b) arguing with him again. PO Kreckmann told \$87(2)(b) "Watch your mouth bitch." (within Allegation H) A passer byer, § 87(2)(b) was recording the incident on his cell phone. § 87(2)(b) approached PO Kreckmann to get his name and badge on film. Upon approaching him, PO Kreckmann pushed him backwards (Allegation J). As noted above, there is video footage for this case (BR 01). Mediation, Civil and Criminal Histories and § 87(2)(b) both rejected mediation because they did not want to see the officer again. • On December 6, 2015, a notice of claim request was sent and will be added to the case file upon receipt. On December 7, 2016, a search of the Office of Court Administration revealed that and § 87(2)(b) have no prior criminal convictions. were not arrested, thus any available NYSID is unknown and their birth dates are unknown, therefore a search for any criminal convictions could not be completed (BR 02).

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### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint for all civilians involved in the incident (BR 03).
- PO Kreckmann has been a member of the NYPD for three years and has had 30 prior allegations, involving 14 cases, against him. In case 201405312, two allegations of frisk and of search of person were substantiated with a recommendation of Command Discipline. In case 201601983, an allegation of vehicle search was substantiated with a recommendation of Command Discipline. PO Kreckmann has had five prior discourtesy allegations against him, three of which were closed as unsubstantiated, one of which was closed as unfounded, and one of which was not investigated due to truncating as complainant uncooperative. Since the filing of this complaint, PO Kreckmann has had one additional complaint filed against him, case 201609514, involving two allegations of discourtesy. Overall, PO Kreckmann has had 16 complaints filed against him.

## **Findings and Recommendations**

# **Allegations not pleaded**

• **Stop**: By his own account, \$87(2)(6) was littering at the onset of the incident. Therefore, no stop allegation has been pleaded in regards.

# Allegation A -Abuse of Authority: Police Officer Derrick Kreckmann used physical force against \$87(2)(b) stated that after PO Kreckmann commented to him about littering and thanked him for picking up the wrappers, \$87(2)(b) Kreckmann ran in front of \$87(2)(b) and pushed him on the chest with both hands, pushing him against a fence (BR 04). According to PO Kreckmann, he thanked \$87(2)(b) responded, "Fuck you. Suck my dick faggot." PO Kreckmann then told \$87(2)(b) kept walking so PO Kreckmann put his hand on \$87(2)(b) s chest to stop him. They were about 5-10 feet away from a fence and PO Kreckmann then held \$87(2)(b) by the arm and escorted him over to the fence (BR 05). PO Lombardi stated that PO Kreckmann told \$87(2)(b) walked by where the officers were standing, he told them, "Fuck you." Upon hearing this, PO Kreckmann walked over to stop \$87(2)(b) who stopped walking. PO

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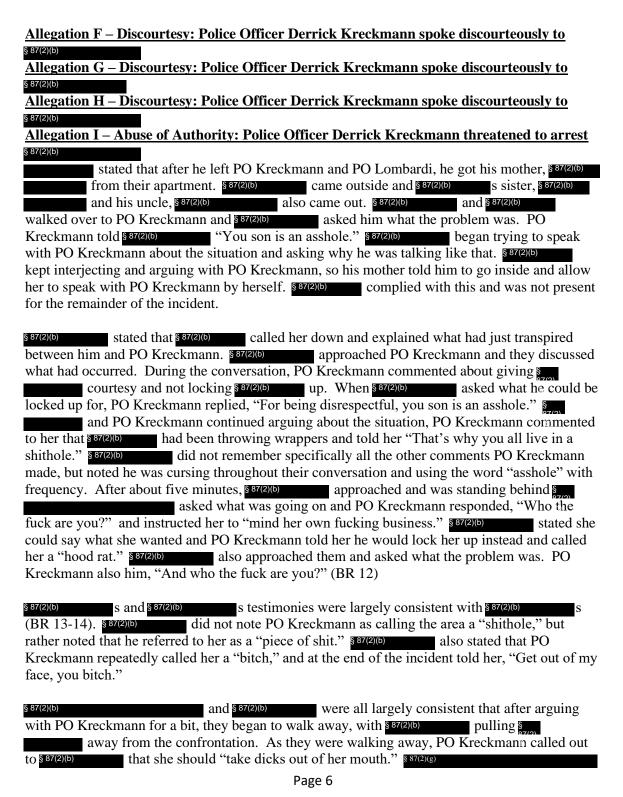
Lombardi described \$87(2)(5) as being physically compliant with being stopped and denied that PO Kreckmann had to touch \$87(2)(5) to stop him. \$87(2)(5) was leaning against a fence while the officers were talking with him, but PO Lombardi denied seeing PO Kreckmann

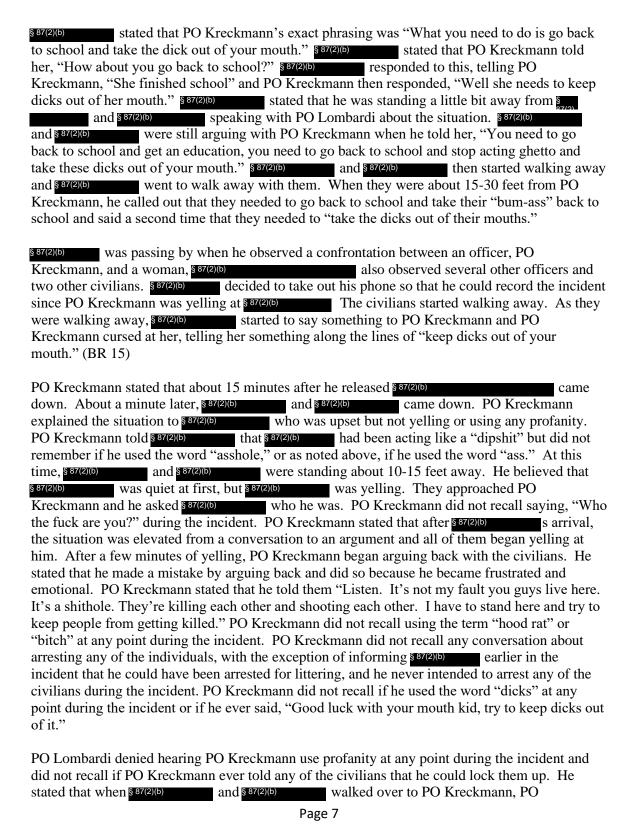
push §87(2)(b) against a fence at any point (BR 06).

Allegation B – Discourtesy: Police Officer Derrick Kreckmann spoke discourteously to Allegation C – Abuse of Authority: Police Officer Derrick Kreckmann frisked § 87(2)(b) Allegation D – Abuse of Authority: Police Officer Derrick Kreckmann searched \$57(2)(5) s bag. Allegation E – Abuse of Authority: Police Officer Derrick Kreckmann damaged [887(2)[6]] s property. According to \$87(2)(b) he asked PO Kreckmann why he had pushed him and PO Kreckmann respond with something along the lines of "Why are you being a smartass?" or "Why are you being an asshole?" PO Kreckmann and \$87(2)(b) then argued back and forth for a minute, PO Kreckmann asked \$87(2)(b) how old he was and \$87(2)(b) informed him he was 14. was carrying a shopping bag with Starbursts in it (these were the wrappers he had been dropping). PO Kreckmann took the shopping bag and looked inside of it. He then removed a Starburst, ate it, gave the bag back to §87(2)(b) and told him to leave. PO Kreckmann stated that he asked \$87(2)(b) for an ID and when he did not produce one, PO Kreckmann patted him down on his pockets. PO Kreckmann did this for the sole purpose of obtaining his ID and did not suspect that §87(2)(b) had any weapons on him or was armed. was carrying a plastic bag with him which PO Kreckmann described as being full of "suckers." PO Kreckmann and \$87(2)(b) argued, \$87(2)(b) told PO Kreckmann that he was and PO Kreckmann should arrest him. PO Kreckmann responded to him, "You're Page 4

According to Patrol Guide 221-01, officers may use force to ensure the safety of a life or when it

is reasonable to place a person in custody or to prevent escape from custody (BR 07).





Kreckmann asked [87(2)[6] "Who are you?" PO Lombardi noted that he was not sure how exactly PO Kreckmann phrased this question and how the civilians took it because after he asked it, everyone started "coming out of their face" and saying that PO Kreckmann was rude and disrespectful.

The video footage that § 87(2)(b) took shows § 87(2)(b) and § 87(2)(b) walking away from PO Kreckmann and PO Lombardi. PO Kreckmann viewed the video footage and identified himself and PO Lombardi. During the video, a voice can be heard saying, "Good luck with your mouth kid, try to keep dicks out of it." There is a brief pause between these two statements during which a second voice interjects, "Oh shut the fuck up." (BR 16) PO Kreckmann stated that he believed the voice that said "good luck with your mouth kid" sounded like his own voice. However, PO Kreckmann was unable determine if the voice that said, 'try to keep dicks out of it" belonged to him or someone else. PO Kreckmann acknowledged that he was angry at this point in the incident, but stated he did not recall if he was angry enough to make that statement. After that statement is made, the video footage moves towards PO Kreckmann and can be seen next to PO Kreckmann, who is visible in frame with PO Lombardi. A voice can be heard screaming "Fuck you!" Another voice then states, "Watch your mouth bitch." (BR 17) The same voice that said "fuck you" can be heard continuously yelling and a voice says, "Listen to your mouth." PO Kreckmann stated that he believed the voice that says "listen to your mouth" was his own, but was unable to determine whose voice stated, "Watch your mouth bitch." PO Lombardi also viewed the video footage, but stated he was unable to recognize the voice which made either of the stated discourtesies.

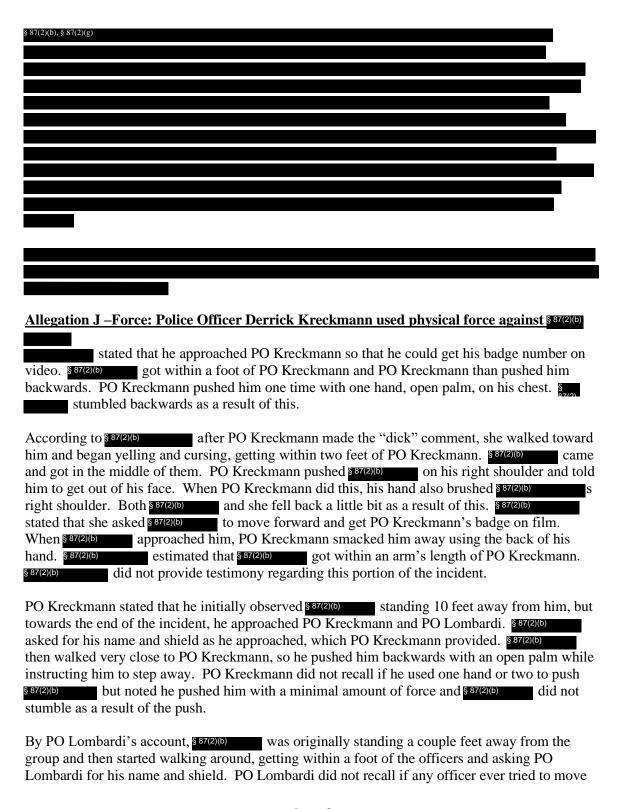




Patrol Guide section 203-09 states that officers must be courteous and respectful. According to PD v Grossman, an officer was found to have committed misconduct when he threatened to arrest an individual without having the authority to do so (OATH Index No. 2382/00R) (BR 18).

§ 87(2)(g)	

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	vay, if either of them issue er pushed § 87(2)(b) awa		d he did not recall if PO
steady shot. A is made, the vie	fter the statement, "Good deo gets progressively closed the camera. A voice the	luck with your mouth kid, ser to PO Kreckmann and	m PO Kreckmann and is a try to keep the dicks out of it' his arm can be seen extended 't touch me." (BR 19)
According to P	atrol Guide 221-01, office	ers may use force to ensure	e the safety of a life or when it
is reasonable to	place a person in custody	or to prevent escape from	n custody.
§ 87(2)(b), § 87(2)(g)			
Squad: 6			
Investigator:	Cignoturo	Drint	
	Signature	Print	Date
Squad Leader:			
	Title/Signature	Print	Date
Reviewer:			
	Title/Signature	Print	Date